

REMARKS

Claims 1-8 are all the claims pending in the application.

Initially, the Examiner is respectfully requested to indicate that the drawings filed on October 6, 2003 have been accepted.

Claims 1, 3, 5 and 7 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Naoe et al. (2003/0021891) in view of Kurose et al. (U.S. Patent 5,510,140).

In addition, claims 2, 4, 6 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Naoe et al. in view of Kurose et al. and further in view of Yorita et al. (U.S. Patent 5,772,900).

Without acquiescing in the merits of the rejection, it is respectfully submitted that Naoe et al. et al. does not qualify as a reference under 35 U.S.C. § 102. Naoe et al. published on January 30, 2003, which is less than 12 months prior to the filing date of October 6, 2003 for the present application, and was filed on May 22, 2002. Therefore, the Examiner is relying on Naoe et al. as a reference under §102(a) and §102(e).

The present inventor, Mr. Naoe is one of the inventors of Naoe et al.. Mr. Naoe was solely responsible for the disclosure of the present invention in Naoe. *See* the unexecuted Declaration under 37 C.F.R. § 1.132 submitted herewith (an executed version of the Declaration will be submitted in due course). Accordingly, the present invention was not invented "by others" or "by another" as required by 35 U.S.C. § 102(a) and §102(e), respectively. Therefore, Naoe is not prior art under 35 U.S.C. § 102.

In view of the foregoing, removal of Naoe et al. as a reference and withdrawal of the rejection is respectfully requested.

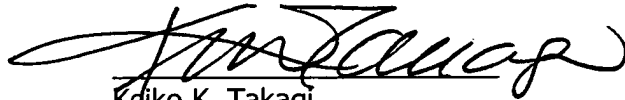
AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 10/678,094

Attorney Docket No.: Q77830

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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Date: January 30, 2006 (timely filed,
January 28, 2006 being a Saturday)

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